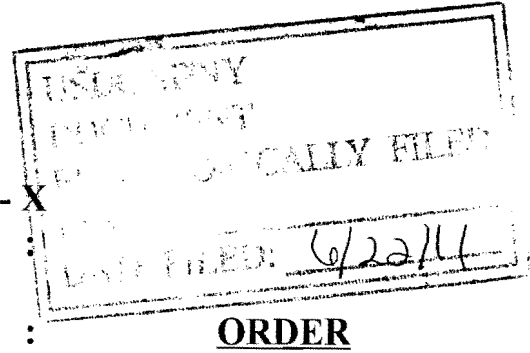


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



KENNY TAYLOR,

Petitioner,

-against-

WILLIAM D. BROWN,

Respondent.

SHIRA A. SCHEINDLIN, U.S.D.J.:

Pro se petitioner Kenny Taylor filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, arguing insufficiency of the evidence and actual innocence. I referred Taylor's petition to Magistrate Judge Andrew C. Peck, who prepared a Report and Recommendation ("R&R"), dated March 8, 2011. Finding Taylor's insufficiency of the evidence claim to be without merit and procedurally barred by an independent and adequate state law ground, Judge Peck recommends that Taylor's habeas petition be denied.

On March 17, 2011, this Court received a letter from Taylor asking for a sixty (60) day extension in which to file Objections to the R&R. I granted Taylor's request for such a lengthy extension and set May 23, 2011, as the new deadline. To date, Taylor has not filed any Objections to the R&R.

Despite the fact that Objections were not filed, I have independently reviewed Judge Peck's rulings and hereby adopt the R&R in full. In accordance with the R&R, the instant habeas petition is dismissed with prejudice. Because petitioner's failure to object precludes appellate review, this Court will not issue a certificate of appealability. *See Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992) ("We have adopted the rule that failure to object timely to a report waives any further judicial review of the report."). The Clerk of the Court is directed to dismiss the instant petition and close this case.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Shira A. Scheindlin', written over a horizontal line.

Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
June 22, 2011

- Appearances -

Petitioner (Pro Se):

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